



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/805,738

03/22/2004

Alan K. Schaer

ATR-15CON

9575

27777

7590

10/17/2005

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

RECEIVED

OCT 19 2005

J&J PAT. DKT. SECTION

EXAMINER

VAN, QUANG T

ART UNIT

PAPER NUMBER

3742

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

10/805,738

Applicant(s)

SCHAER ET AL.

Examiner

Quang T. Van

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, and 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Yang et al (US 6,332,880). Yang discloses, figure 11, a catheter assembly a transeptal sheath (74); a pre-shaped guiding introducer (26) slidable within the transeptal sheath (74); a deflectable catheter (12) having proximal (14) and distal end (16) portions, wherein the deflectable catheter (12) is configured to be torquable and steerable (col. 11, lines 25-45); and a pullwire (32) integrated within the deflectable catheter (12) that is adapted to deflect at least a portion of the distal end (16) portion such that the deflectable catheter (12) may be advanced through the pre-shaped guiding introducer (26) whereby the pre-shaped guiding introducer (26) directs the catheter (12) towards the pulmonary vein and the catheter (12) is further directed into the pulmonary vein by manipulation of the proximal end portion (14).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al (US 6,332,880) in view of Lesh (US 5,971,983). Yang discloses substantially all features of the claimed invention except the ablation element comprise a microwave ablation element. Lesh discloses an ablation element comprise a microwave ablation element (col. 9, lines 43-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Yang an ablation element comprise a microwave ablation element as taught by Lesh in order to provide the efficient energy to treat the injure or ablate tissue.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al (US 6,332,880) in view of Vaska et al (US 6,237,605). Yang discloses substantially all features of the claimed invention except the ablation element comprising a cryogenic ablation element. Vaska discloses an ablation element comprising a cryogenic ablation element (col. 3, lines 44-51). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Yang an ablation element comprising a cryogenic ablation element as taught by Vaska in order to form a continuous, uninterrupted lesion around or on the pulmonary veins.

Response to Amendment

6. Applicant's arguments filed 8/22/2005 have been fully considered but they are not persuasive.

Applicants argue "Yang fails to disclose a pre-shaped guiding introducer" recited in REMARKS, page 6, lines 14-15. This is not true. Yang clearly discloses a pre-

Art Unit: 3742

shaped guiding introducer (26, figure 11) and the argument of a pre-shaped wire is irrelevant.

Applicants also argue "neither sheath (26) or sheath (74) are pre-shaped ..." recited in REARKS page 7, line 7. The Examiner disagrees. The sheath (26) is a tubular shaped which is a pre-shaped tube and the argument on the sheath (74) is irrelevant because it did not support by the claim language.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T. Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QV

October 13, 2005



Quang T Van
Primary Examiner
Art Unit 3742